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OCT 27 1995

FEDERAL COMMUNICATIONS COMMISSION  
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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
 )  
Amendment of Part 22 of the Commission's )  
Rules to enable a cellular telephone user )  
effective and reliable access to 911 service )

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PETITION FOR RULEMAKING  
OF THE  
AD HOC ALLIANCE FOR PUBLIC ACCESS TO 911

The Ad Hoc Alliance for Public Access to 911 ("Alliance"), pursuant to Section 1.401 of the Commission's Rules, hereby petitions for initiation of rulemaking to amend Part 22 of the Commission's rules to provide the public with effective and reliable access to the nation's 911 emergency system by users of cellular telephones.

I. INTRODUCTION

The Alliance is a collective of diverse public safety, public interest, non-profit, disability and consumer concerns who are vitally interested in seeing that the

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Commission's rules require that the public be afforded extensive and unrestricted access, for the purpose of placing emergency 911 telephone calls, to the nation's cellular telephone systems. The Alliance is deeply concerned that if the Commission fails to enforce open access to emergency 911 telephone calls by cellular carriers the problem will become more acute. This is especially true when, when in the next few years, personal communication services (PCS) are sold to the public. The opportunity exists to fix today's 911 cellular access problems and tomorrow's PCS products while carriers design their networks of the future. Should the Commission not act today, the risk to the public will grow. Prompt action approving this proposed rule making by the Commission will result in a savings of lives and a reduction in the severity of injury and illness.

The members of the Alliance are: Alliance for Technology Access, Arizona Consumer League, National Consumers League, World Institute on Disability (WID), National Emergency Number Association - California Chapter, Crime Victims United, Justice for Murder Victims, California Cellular Phone Owners Association, Florida Consumer Fraud Watch, Center for Public Interest Law, Consumer Action, Consumer Coalition of California, Consumers First, California Alliance for Consumer Protection, Californians Against Regulatory Excess (CARE), The Office of Communication of The

United Church of Christ, Utility Consumer Action Network (UCAN), Children's Advocacy Institute and the Honorable Donald Vial (past president of the California Public Utilities Commission).

In furtherance of this objective, the Alliance proposes the amendment of Rule 22.911 to require cellular carriers to promptly connect all 911 calls without precondition. The Alliance also proposes that Part 22, sub part K, paragraph 22.933 be amended by supplementing OET Bulletin No. 53 to require that all newly constructed mobile and portable stations be equipped to scan all of the control cellular telephone channels assigned to both System A and to System B and select and use the channel with the strongest signal whenever a 911 call is placed.

## **II. SAFETY AND SECURITY CONSIDERATIONS ARE A PRINCIPLE REASON FOR THE PURCHASE OF CELLULAR TELEPHONES BY THE PUBLIC**

Recent studies indicate that up to 68% of the purchases of cellular telephones are for safety and security reasons. Extensive advertising by the nation's cellular telephone carriers and others heavily promotes safety as a prime consideration in the use of cellular telephones. Many cellular telephone users now rely on the cellular telephone as a means to contact a provider of emergency service over the nation's

911 emergency system. What is not said, or understood by the public at large, is that 911 cellular telephone service may be denied or unavailable even though there is a cellular telephone system within reach at the time and place when a cellular telephone call to 911 is attempted.

Denial of service occurs when the carrier's cellular telephone system is programmed to block 911 calls from transient or non-system subscribers. Even when service is not blocked, an emergency call may not be completed when the cellular telephone is programmed to scan only one system and is either out of range of that system or it is in close proximity to a transmitter operating on the other system whose signal swamps the mobile receiver.

There is a significant variation of signal strength from the two cellular systems throughout the same service area. At any given location, the signal from one system may be strong and clear while the other system's signal may be weak and thready. Since most mobile units can move to an area of stronger signal, the gaps in coverage from a single system presents only an inconvenience or a disconnection of a call in progress. The same is not necessarily true of mobile units used to place emergency calls because the caller may be, and often is, incapacitated by illness, injury or a damaged vehicle.

The public interest requires that all 911 calls be handled as expeditiously as possible to avoid loss of life and increased consequences of injury or illness due to the failure to promptly notify the emergency service provider of the emergency. The Alliance strongly believes that provision of unrestricted access to and use of the strongest signal available in emergency situations should be required in order to mitigate against the loss of life and harmful effect of delays in treating serious illness and injuries.

### **III      REQUIRING CARRIERS TO ACCEPT ALL EMERGENCY CALLS IS A REASONABLE AND APPROPRIATE OBLIGATION**

The Alliance proposes that all cellular telephone base stations be required to promptly and unconditionally process all 911 calls without regard to the status of the cellular telephone used to place such call. To accomplish this objective, the Alliance suggests the addition of the following language to Part 22, sub part k, paragraph 22.911(b) at the end of that paragraph:

"Base stations must render priority, unrestricted and unconditional access to 911 emergency services from all mobile stations without regard to subscription or non-subscription status."

This proposed rule change is not intended to prevent a carrier from billing for 911 calls, however, it is contemplated that such billing information shall not be secured in a manner which impedes or delays the completion of the 911 call in any way.

**IV      UNIVERSAL ACCESS TO THE STRONGEST CELLULAR SIGNAL MAY BE  
ACHIEVED BY A MINOR CHANGE TO THE COMMISSION'S RULES AND  
AT A TRIVIAL COST TO THE CELLULAR TELEPHONE EQUIPMENT  
MANUFACTURERS**

The Alliance further proposes that each new cellular telephone manufactured after the effective date of this proposed rule change have the capability to scan all cellular telephone control channels and to select and use the strongest signal whenever a 911 call is made. Specifically, the Alliance proposes an amendment to Part 22, sub part k, paragraph 22.933, which incorporates OET-53 cellular system mobile station-land station compatibility specifications, to define how mobile telephones operate. Paragraph 2.6.3.2 defines how a mobile unit will scan its preferred system channels during call origination. The Alliance proposes the following addition to the beginning of this paragraph:

“If the purpose of this ‘origination’ is to complete a call to 911 (an emergency call), the mobile station must examine the signal strength of all of the control channels assigned to System A and System B and select the channel with the strongest signal. In all other cases, . . .”

Since all cellular telephones are manufactured with all dedicated control and operating channels it will take only a small software change to comply with this rule change. Such change will be of enormous benefit to the public and to the providers of emergency service. It is reasonable to expect that improved technology, with value added safety features, will create a boom with increased sales for the manufacturers of cellular phones. New and existing consumers will seek phones with greater safety capabilities.

#### **IV CONCLUSION**

The unrestricted use of cellular telephone systems for 911 emergency calls is a reasonable requirement to place on carriers who are licensed to use the public's airwaves. The benefits of the Alliance's proposed rule changes to the public are substantial. The associated costs are minimal. Prompt action approving this proposed rule making by the Commission will result in a savings of lives and a reduction in the severity of the consequences of injury and illness.

Respectfully submitted,

Ad Hoc Alliance for Public  
Access to 911

By: \_\_\_\_\_

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